

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Jose Luis Vite-Cruz,

Petitioner,

vs.

Yadira Del Carmen Sanchez,

Respondent.

Civil Action No. 3:18-cv-01943-DCC

**Order Granting Joint Motion for Payment of
Transcript Costs Under 28 U.S.C. § 753(f)**

This matter was initiated by a Verified Petition, (ECF No. 1), filed by Petitioner Jose Luis Vite-Cruz (“Father”) under the Convention on the Civil Aspects of International Child Abduction (the “Hague Convention”) and the International Child Abduction Remedies Act (“ICARA”), 22 U.S.C. §§ 9001–11. Currently before the Court is the joint motion regarding the transcript in this matter under 28 U.S.C. § 753(f), which permits the Court to order the preparation of the transcript at the government’s expense for certain parties proceeding *in forma pauperis*. The parties made the joint motion orally on the record at the close of the presentation of the evidence on October 5, 2018.

Because the parties are still indigent and that status is unlikely to change based on their current financial situation, and because this case presents a substantial question involving their child and the application of certain affirmative defenses under the Hague Convention, *see Ortiz v. Greyhound Corp.*, 192 F. Supp. 903, 905 (D. Md. 1959) (defining substantial question as “reasonably debatable”), the Court certifies that the parties are entitled to the preparation of the transcript at the government’s expense under 28 U.S.C. § 753(f).

Therefore, it is hereby **ORDERED** that the parties' joint oral motion under 28 U.S.C. § 753(f) is **GRANTED** as follows:

(1) The transcript fees in this action be paid by the United States out of money appropriated for that purpose.

(2) The Court Reporter is directed to prepare the transcript of the *in camera* interview with the child and provide that transcript to the parties by close of business on October 23, 2018, so that the parties can prepare for closing arguments currently scheduled for 9:30 a.m. on Friday, November 2, 2018. That transcript shall remain *under seal* pending further order of the Court.

(3) The Court Reporter is directed to next prepare the transcript of the remainder of the proceedings upon receipt of any written request by the parties made in conjunction with any appeal from the Court's forthcoming Findings of Fact and Conclusions of Law resolving this case.

(4) The indigent status of the parties, which permitted both to proceed in this Court *in forma pauperis*, will not be rescinded by this Court for the purpose of any subsequent appeal of the substantial questions of law contained in this order. *See* 28 U.S.C. § 753(f).

(5) The Court shall retain jurisdiction over this action.

IT IS SO ORDERED.

s/Donald C. Coggins, Jr.

Donald C. Coggins, Jr.

United States District Judge

October 10, 2018.
Columbia, South Carolina